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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,960	12/11/2001	Harold Aaron Ludtke	SONY 3.0-022	6316

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,960

Applicant(s)

LUDTKE ET AL.

Examiner

John M Winter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 28-31 and 55-58 is/are rejected.
- 7) ☒ Claim(s) 5-27, 32-55 and 59-81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/6/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Status

Claims 1-81 have been examined.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 28-31 and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher, (US Patent 6,076,075) in view of Lee et al. (US Patent No 6,003,014).

As per claim 1,

Teicher ('075) discloses a method of conducting a transaction between a user of a remote communications device and a second party, comprising:

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted;(Column 21, lines 30-39)

storing the deferred transaction data structure in a memory;(Column 21, lines 15-29; Figure 12)

establishing communication between the remote communications device and the second party;(Column 8, lines 55-65)

transmitting the deferred transaction data structure to the second party when the communication between the remote communications device and the second party is established.(Column 22, lines 24-30)

Teicher ('075) does not explicitly disclose creating a transaction data structure based on input from the user that defines the transaction. Lee et al. ('014) discloses creating a transaction data structure based on input from the user that defines the transaction (Figure 5) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Teicher's method with Lee et al's teaching of creating a data structure that stores a transaction in order to allow the consumer to have a receipt of the transaction.

Claims 28 and 55 are in parallel with claim 1 and are rejected for the same reasons.

As per claim 2,

Teicher ('075) discloses the method of claim 1,

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Wherein the deferred transaction data structure is automatically transmitted to the second party when the communication between the remote communications device and the second party is established.(Column 22, lines 24-30)

Claims 29 and 56 are in parallel with claim 2 and are rejected for the same reasons.

As per claim 3,

Teicher ('075) discloses the method of claim 1,

Official Notice is taken that "transaction data structure is encrypted prior to at least one of storing in the memory and transmitting it to the second party" is common and well known in prior art in reference to electronic commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made to encrypt the data structure in order to prevent exposing financial data to unauthorized sources.

Claims 30 and 57 are in parallel with claim 3 and are rejected for the same reasons.

As per claim 4,

Teicher ('075) discloses the method of claim 1,

wherein the second party is taken from the group consisting of one or more settlement entities, one or more merchants, one or more financial institutions one or more other entities , and a person.(Column 8, lines 48-54)

Claims 31 and 58 are in parallel with claim 5 and are rejected for the same reasons.

#### ***Allowable Subject Matter***

Claims 5-27, 32-55 and 59-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

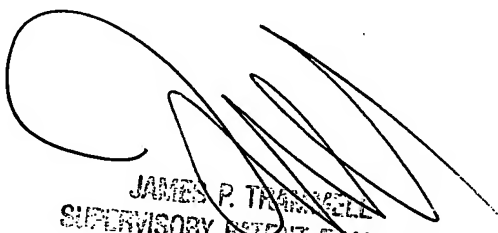
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

October 27, 2004



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
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